

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #7	CCRB Case #: 201601052	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 02/04/2016 6:40 PM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 8/4/2017	EO SOL 8/4/2017	
Date/Time CV Reported Sun, 02/07/2016 12:34 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 02/07/2016 12:34 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Adam Dumelle	07474	948001	079 PCT
2. DTS James Shields	05032	927515	ESS 07
3. POM Alexander Bobo	06146	947985	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Robert Zajac	07443	896804	ESS 07

Officer(s)	Allegation	Investigator Recommendation
A.POM Adam Dumelle	Abuse: PO Adam Dumelle entered and searched § 87(2)(b) in Brooklyn.	
B.DTS James Shields	Force: Det. James Shields struck § 87(2)(b) with a police shield.	
C.POM Adam Dumelle	Abuse: PO Adam Dumelle failed to show the search warrant to § 87(2)(b)	
D.POM Alexander Bobo	Abuse: PO Alexander Bobo threatened to arrest § 87(2)(b)	
E.POM Adam Dumelle	Abuse: PO Adam Dumelle threatened to arrest § 87(2)(b)	

Case Summary

On February 4, 2016 at approximately 6:40 p.m., officers from the Emergency Services Unit (ESU) and the 79th Precinct entered and searched § 87(2)(b) and § 87(2)(b)'s apartment on the ground floor of § 87(2)(b) in Brooklyn while executing a search warrant (Allegation A). When he entered § 87(2)(b)'s room, Det. James Shields of ESU pushed § 87(2)(b) with a ballistic shield (Allegation B). When the 79th Precinct officers entered, § 87(2)(b) asked to see a search warrant. PO Adam Dumelle of the 79th Precinct allegedly failed to show the warrant to § 87(2)(b) (Allegation C). During a discussion with § 87(2)(b) PO Alexander Bobo of the 79th Precinct allegedly threatened to arrest § 87(2)(b) and PO Dumelle allegedly threatened to arrest § 87(2)(b) (Allegations D and E). § 87(2)(b) and § 87(2)(b) were not arrested; another resident of the ground floor, § 87(2)(b) § 87(2)(b) was arrested and charged with § 87(2)(b) (see Board Review 01).

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of April 11, 2016, § 87(2)(b) and § 87(2)(b) have not filed a notice of claim regarding this incident with the Comptroller's office (see Board Review 02).
- Searches of the Booking and Arraignments Disposition System yielded no arrests for § 87(2)(b) or § 87(2)(b). Without NYSIDs, it was not possible to search Office of Court Administration records for any criminal convictions.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint by § 87(2)(b) or § 87(2)(b) (see Board Review 03).
- PO Dumelle has been a member of the NYPD for seven years. There are 12 prior complaints against him containing 22 allegations. One complaint included substantiated allegations of a frisk and search, for which PO Dumelle received instructions. Another complaint included substantiated allegations of a stop, frisk, search, and physical force. The CCRB recommended charges; the NYPD has not yet reached a disposition. None of PO Dumelle's prior complaints include allegations of a threat of arrest or failure to show a search warrant.
- Det. Shields has been a member of the NYPD for fifteen years. There are five prior complaints against him containing five allegations, none of which were substantiated. One of his prior complaints included a force allegation, which was unsubstantiated.
- PO Bobo has been a member of the NYPD for seven years. There are 17 prior complaints against him containing 38 allegations. In one case, a stop allegation was substantiated and PO Bobo received command discipline. Two other cases contained substantiated allegations of a stop, frisk, and search. The CCRB recommended charges; the NYPD has not reached a disposition. None of PO Bobo's prior complaints include threat of arrest allegations.

Potential Issues

- § 87(2)(b) said that § 87(2)(b) recently suffered a stroke, which caused memory loss and rendered her speech unintelligible. Therefore, the CCRB was unable to interview § 87(2)(b).

Findings and Recommendations

Explanation of Subject Officer Identification

- PO Dumelle obtained the search warrant for the ground floor of § 87(2)(b) § 87(2)(g)

- Det. Shields acknowledged pushing § 87(2)(b) with a ballistic shield. § 87(2)(g)
- § 87(2)(b) said he asked an officer, identified by the investigation as PO Bobo, for the search warrant. PO Bobo acknowledged this. However, both PO Bobo and PO Dumelle stated that PO Bobo did not have a copy of the search warrant, and that it would be PO Dumelle's responsibility to show the search warrant to anyone who asked to see it. § 87(2)(g)
- § 87(2)(b) described the officer who threatened to arrest him as a black man who was 6'1" or 6'2" tall with a thin build, in his mid-30s. He described the officer who threatened to arrest § 87(2)(b) as a white man who was about 5'8" tall, with dark blonde hair and facial hair. PO Bobo – a black man who is 6' tall and weighs 168 pounds – and PO Dumelle – a white man who is 5'9" tall with light brown or dark blonde hair and a beard – § 87(2)(g)

Allegations not pleaded

- **Property Damage:** § 87(2)(b)'s door was damaged during this incident. § 87(2)(g)
- **Question:** § 87(2)(b) said that officers questioned him and his wife about whether there were drugs in their apartment. § 87(2)(g)

Allegation A – Abuse of Authority: PO Adam Dumelle entered and searched § 87(2)(b) in Brooklyn.

Numerous officers from ESU and the 79th Precinct entered and searched § 87(2)(b). On § 87(2)(b), PO Dumelle obtained a search warrant for the location, signed by Judge § 87(2)(b) of the Criminal Court of the City of New York, Kings County (see Board Review 04).

Officers are permitted to forcefully enter a premises and conduct a full and thorough search for contraband outlined in a search warrant. N.Y.S. Criminal Procedure Law, Section 690.50 (see Board Review 05).

§ 87(2)(g)

Allegation B – Force: Det. James Shields struck § 87(2)(b) with a police shield.

It is undisputed that Det. Shields pushed § 87(2)(b) with a ballistic shield. However, § 87(2)(b) and the officers gave differing descriptions of § 87(2)(b)'s behavior leading up to this.

§ 87(2)(b) said he was seated in a recliner in his apartment when he heard a loud noise. He stood up to see what was happening and his door burst open. Several officers entered the room, and one – identified as Det. Shields – “rushed” at § 87(2)(b). He pushed § 87(2)(b) against a wall with his shield and yelled, “Get down!” § 87(2)(b) started to get on the floor, but moved slowly due to arthritis, so Det. Shields “smashed” him to the floor with his shield, after

which another officer handcuffed him. § 87(2)(b) alleged wrist injuries from the handcuffs, but no injuries from being pushed with the shield. He did not seek medical treatment (see Board Review 06).

Det. Shields said that when he entered § 87(2)(b)'s apartment, § 87(2)(b) was standing up and walking toward him and the other officers. Det. Shields told him, "Get down on the ground," but § 87(2)(b) did not comply, continuing to walk toward them while yelling irately. Det. Shields then pushed § 87(2)(b) on the chest or shoulder with his ballistic shield, causing him to fall into a recliner. Det. Shields denied pushing § 87(2)(b) onto the floor with the ballistic shield, but said another officer later handcuffed him on the floor. Det. Shields said he did not know whether § 87(2)(b) got on the floor himself or if the other officer placed him there (see Board Review 07).

Det. Zajac, who entered § 87(2)(b)'s room shortly before Det. Shields, said that § 87(2)(b) was standing near a chair with his hands up when he entered the room. Det. Zajac told him to sit down several times, but § 87(2)(b) did not comply and seemed "unsure of what to do." When Det. Shields entered the apartment, he pushed § 87(2)(b) into a chair with his shield. Det. Zajac did not see § 87(2)(b) being taken to the floor (see Board Review 08).

§ 87(2)(b)'s behavior was not described in the ESU report or in the memo books of Det. Shields and Det. Zajac (see Board Review 11, 12, and 13). Because § 87(2)(b) was not arrested, there is no official police documentation regarding his presence or actions.

PO Bobo and PO Dumelle said they remained outside while ESU secured the apartment and did not observe the ESU officers' interaction with § 87(2)(b). They both said § 87(2)(b) was handcuffed and seated in a chair when they entered the apartment (see Board Review 09 and 10).

§ 87(2)(g)
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Allegation C – Abuse of Authority: PO Adam Dumelle failed to show the search warrant to

§ 87(2)(b)
§ 87(2)(b) said that he asked an officer matching the description of PO Bobo to see a search warrant. PO Bobo said that § 87(2)(b) could see the warrant later, but no officer showed it to him.

PO Bobo acknowledged that § 87(2)(b) asked to see a search warrant. PO Bobo did not have a copy of the warrant, and told § 87(2)(b) that he could see it when PO Dumelle came into the room. When PO Dumelle came from the other bedroom, he showed § 87(2)(b) the search warrant and § 87(2)(b) read it (see Board Review 09).

PO Dumelle said that, as the investigating officer, it was his responsibility to show the warrant to anyone who asked to see it. § 87(2)(b) asked to see the warrant and PO Dumelle showed it to him (see Board Review 10).

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]

Allegation D – Abuse of Authority: PO Alexander Bobo threatened to arrest § 87(2)(b)

Allegation E – Abuse of Authority: PO Adam Dumelle threatened to arrest § 87(2)(b)
[Redacted]

§ 87(2)(b) said that after the officers questioned him about drugs, an officer matching PO Bobo’s description said, “If I find a stem or a pipe or anything in here, you’re going to jail.” PO Dumelle then pointed at § 87(2)(b) and said, “And I’ll take her to jail.” § 87(2)(b) also reported that one officer said, “If we find anything in here, we’re not sending you to jail. We’re sending her § 87(2)(b) to jail!” He was unsure which officer made the last statement.

PO Bobo and PO Dumelle both denied threatening to arrest § 87(2)(b) or § 87(2)(b). PO Dumelle also said he specifically told § 87(2)(b) he would not be arrested after the narcotics were determined to belong to § 87(2)(b) who was in the other bedroom. PO Dumelle and PO Bobo both said that § 87(2)(b)’s room was never searched, due to the drugs belonging to § 87(2)(b).
§ 87(2)(b)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]

Squad: 7

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date